FILED

MAY 05 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,

v.

Jose Antonio MEJIA-Hernandez, Defendant.

Mag. Case No. '08 MJ 8376

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about May 01, 2008, within the Southern District of California, defendant Jose Antonio MEJIA-Hernandez, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF MAY 2008.

William McCurine Jr.
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by Border Patrol Agent C. Nonas-Truong that on May 1, 2008, the defendant, Jose Antonio MEJIA-Hernandez, a native and citizen of Mexico, was apprehended near Calexico, California, as he attempted to enter the United States approximately eight (8) miles west of the Calexico, California west Port of Entry.

Agent G. Elliot encountered an individual, later identified as Jose Antonio MEJIA-Hernandez, with five other individuals north of the International Boundary with Mexico. Agent Elliot identified himself to the group and questioned them.

Agent Elliot determined MEJIA is a native and citizen of Mexico illegally in the United States. MEJIA was arrested and transported to the Imperial California Border Patrol Station for further processing.

During processing at the station, MEJIA'S fingerprints were entered into the IDENT/IAFIS system. Record checks revealed MEJIA has been previously deported from the United States on November 20, 1996. Further record checks also revealed MEJIA has an extensive criminal and Immigration record.

There is no evidence that MEJIA has ever sought nor received permission to re-enter the United States from the Attorney General or his designee, the Secretary of Homeland Security.

Executed on May 3, 2008 at 9:00 AM.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on May 1, 2008 in violation of Title 8, United States Code 1326.

Honorable Louisa S. Porter
United States Magistrate Judge

5/3/08 12:25 pm.
Date/Time